



04-26-02

Docket No.: ROC920010138US1

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Patricia A. Torrens-Burton : Date: April 25, 2002  
Group Art Unit: 2622 : IBM Corporation  
Examiner: Unknown : Intellectual Property Law  
Serial No.: 10/045,134 : Dept. 917, Bldg. 006-1  
Filed: November 7, 2001 : 3605 Highway 52 North  
For: METHOD AND APPARATUS FOR : Rochester, MN 55901  
PROVIDING CUSTOMIZED SOUVENIR  
IMAGES

Assistant Commissioner for Patents  
Washington, DC 20231

**PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEM(S)  
CONSIDERED OMITTED BY THE P.T.O. -- RESPONSE TO NOTICE TO FILE  
MISSING PARTS OF NONPROVISIONAL APPLICATION**

1. This is in response to the NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION mailed for this application on March 4, 2002, a copy of which is attached.

**EXPRESS MAIL CERTIFICATE**

Express Mail Label No.: EU063120897US

Date: April 25, 2002

I hereby certify that I am depositing the enclosed or attached paper with the U.S. Postal Service "Express Mail Post Office to Addressee" service on the above date, addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

*Lisa M. Plank*

Lisa M. Plank

2. Applicant asserts that the items indicated as omitted were in fact deposited with the P.T.O. with the original application papers filed on November 7, 2001. Attached as evidence of the P.T.O.'s receipt of these documents is a copy of the date stamped return postcard by the P.T.O., indicating that all items listed were received, including 7 sheets of drawings and a Declaration.

3. In accordance with the requirement of the Notice of June 5, 1996, 61 Fed. Reg. 30,041-30,046, applicant hereby:

- A. Petitions under 37 section 1.53(e) for a review of the determination that the items in issue were omitted;
- B. Submits the petition fee under 37 section 1.17(i) and
- C. Submits the attached evidence of the deposit of the items in issue.

4. Fee Payment

- Attached is a  check  money order in the amount of \$130.00
- Authorization is hereby made to charge the amount of \$130.00
  - To Deposit Account No. 09-0465
  - To Credit card as shown on the attached credit card information authorization form PTO-2038.
- Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this letter is attached.

5. Request for Refund for Petition Fee Under 37 CFR 1.53(e)

It is respectfully requested that, upon grant of the petition under 37 section 1.53(e), the petition fee be refunded by:

- A refund check  
 a credit to the charge authorized above

6. Provisional Request for Filing Date As of This Date of Submission of Omitted Items in Issue - Provisional Petition under 37 section 1.182.

In the event that the Petition to Establish Prior Receipt in the P.T.O. of Omitted Items in Issue does not result in a decision by the PTO that the omitted items in issue were indeed received by the P.T.O. on the original filing date for this application, applicant hereby:

- a) submits the omitted item(s) listed on the Notice to File Missing Parts of Nonprovisional Application
- b) submits a declaration in compliance with 37 section 1.63 and 1.64 referring to such omitted item(s);
- c) petitions under 37 section 1.182 to accept the date of this submission as the application filing date; and
- d) submits the petition fee under 37 section 1.17(h).

7. Petition Fee for Provisional Petition under 37 section 1.182.

The fee under 37 section 1.17(h) is paid as follows:

- Attached is a  check  money order in the amount of \$130.00  
 Authorization is hereby made to charge the amount of \$130.00  
 To Deposit Account No. 09-0465

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- To Credit card as shown on the attached credit card information authorization form PTO-2038.
- Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

8. Request for Refund of Provisional Petition Fee under 37 Section 1.182

Upon grant of the petition under 37 section 1.53(e) and the determination by the P.T.O. that the omitted items in issue were filed with the original papers filed for this application, applicant respectfully requests that the petition fee under 37 section 1.182 be refunded by

- a refund check
- a credit to the charge authorized above

Date: April 25, 2002

Respectfully submitted,

By   
Grant A. Johnson  
Registration No.: 42,696

Telephone: (507) 253-4660

Fax: (507) 253-2382

**EVIDENCE OF DEPOSIT OF ITEM(S) WITH APPLICATION INDICATED AS  
 OMITTED IN THE NOTICE TO FILE MISSING PARTS OF  
 NONPROVISIONAL APPLICATION**

In connection with the NOTICE TO FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION dated March 4, 2002, applicant submits the  
following evidence that the item(s) indicated as missing were in fact deposited with the  
P.T.O. on November 7, 2001, which is the original date on which the papers for this  
application were deposited:

- a photocopy of the date stamped return post card receipt showing thereon  
that the item(s) indicated as omitted were in fact deposited
- other;



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT      | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|----------------------------|------------------------|
| 10/045,134         | 11/07/2001          | Patricia A. Torrens-Burton | ROC920010138US1        |

## CONFIRMATION NO. 2360

## FORMALITIES LETTER



\*OC00000007569665\*

IBM Corporation  
Intellectual Property Law, Dept. 917  
3605 Highway 52 North  
Rochester, MN 55901

Date Mailed: 03/04/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

04/30/2002 NM0HANMH1 00000055 090465 10045134

The following item(s) appear to have been **omitted** from the application:

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- Figure(s) 2 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing

date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

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*A copy of this notice MUST be returned with the reply.*

H. Truong  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE